

### **REMARKS/ARGUMENTS**

Claims 1-24 were withdrawn from consideration, but are now cancelled. Claims 25-62 are pending. Claims 32-62 are newly added. Claims 25-31 have been amended.

Claim 25 was amended to recite all the limitations of cancelled Claim 14. New claims 32 and 62 are based on subject matter of paragraph [0007]. New claims 33-42 generally correspond to canceled claims 15-24, but ultimately depend from claim 25. New claim 43 is a composite of original claim 35 and claim 1. New claims 44-55 generally correspond to canceled claims 2-13, but depend from claim 43. New claims 56-61 generally correspond to claims 26-31, but depend from claim 43.

The original application was filed with thirty-one claims. Twenty-four claims were canceled. Thirty-one claims added. Thus, an additional seven total claims are added by this amendment.

Claims 25 and 28 were rejected under 35 USC 102(b) as being anticipated by Gobidas. Claims 25, 27 and 28 are rejected under 35 USC 102(b) as being anticipated by Fungier. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over any of Gobidas, Zvi or Fungier in view of Sing.

These rejections are traversed in view of the present amendment.

Claims 29-31 are rejected under 35 USC 103(a) over any of Gobidas, Zvi or Fungier in view of Norman. This rejection is traversed in view of the present amendment

None of the citations provide an apparatus or method responsive to ascertaining properties necessary to at least satisfy specific requirements for a panel suited for use on a particular kind of construction and then choose and obtain the particular kind of

recycled or waste material accordingly, Withdrawal of the rejection is warranted and requested. Claim 43, which corresponds to the combination panel of apparatus of claim 25 as a combination panel and method, contains corresponding language to that of claim 25 and thus is allowable for the same reason. The newly dependent claims are allowable at least because of their dependency on presumably allowable base claims.

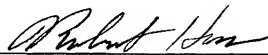
Applicant responded to the Office Action dated September 5, 2003 via fax on September 24, 2003 requesting reconsideration of the Restriction Requirement. However, the serial number on the Amendment was incorrect. Accordingly, applicant corrected the serial number on page 1 of the Amendment and re-sent it via fax on December 5, 2003. In view of the current Amendment, enclosed is a Petition for a One Month Extension of Time plus an applicable fee in the amount of \$55.00 under 37 CFR 1.17(a)(1). The Commissioner is authorized to charge any deficiency or to credit any overpayment to Deposit Account 03-3839.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Gibbons, Del Deo, Dolan, Griffinger &  
Vecchione, P.C.

By



Robert J. Hess  
Reg. No. 32,139  
Tel.: (212) 649-4700